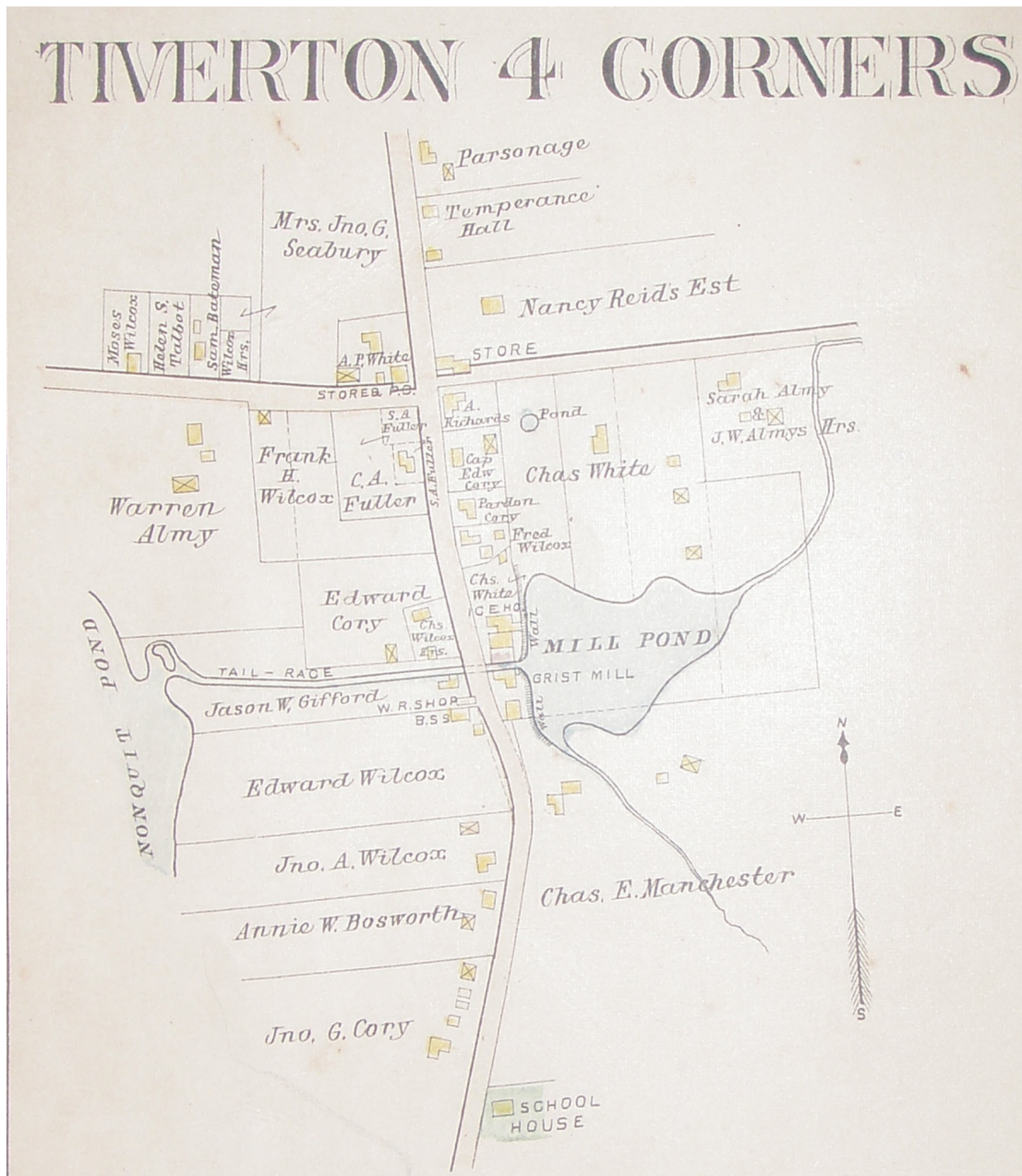


TIVERTON 4 CORNERS



*“One of the town’s principal villages, Tiverton Four Corners is a quiet,
charming and interesting community today.”*

HISTORIC AND ARCHITECTURAL RESOURCES
OF RHODE ISLAND

As Tiverton Four Corners prepares to celebrate its 300th Anniversary, it is important to recognize that it has historically been a “village” not just a regulated district. Today, there is a complete disconnect between the regulated district (i.e. The Village Commercial), and the Historic Four Corners. Much of the original Four Corners village is not contained within the Village Commercial District, resulting in a number of non-conforming uses. This creates a number of difficulties for the owners of these properties, and causes an uncertainty about the future of the area and its long-term economic viability.

Adding to the disconnect between the Historic Four Corners district (and associated uses) and the Village Commercial is the fact that even the uses that are allowed within the Village Commercial do not reflect the current uses or even the historic uses that were integral to the area. The current zoning would not allow, by right, such historic uses such as a blacksmith or tinsmith shop, gristmill, tavern, single family residence, outbuilding or accessory structure, police or fire station, post office, library, cemetery, funeral home, public park, bank, theater, grocery store, pharmacy, hardware or even a general merchandise store.

It is important to recognize that the uses of many of the historic buildings in Four Corners have changed or evolved over time. So while the uses may change, the form remains essentially unchanged and becomes the link between past, present and future. One of the important lessons in historic preservation is that without an economically viable option for use or reuse of a structure of property, that property and associated structures becomes vulnerable and may be lost. Much of the effort of these proposed zoning changes is aimed at preserving the historic form of Four Corners and its link to the surrounding rural landscape by providing more flexibility in use, and therefore more likelihood of survival.

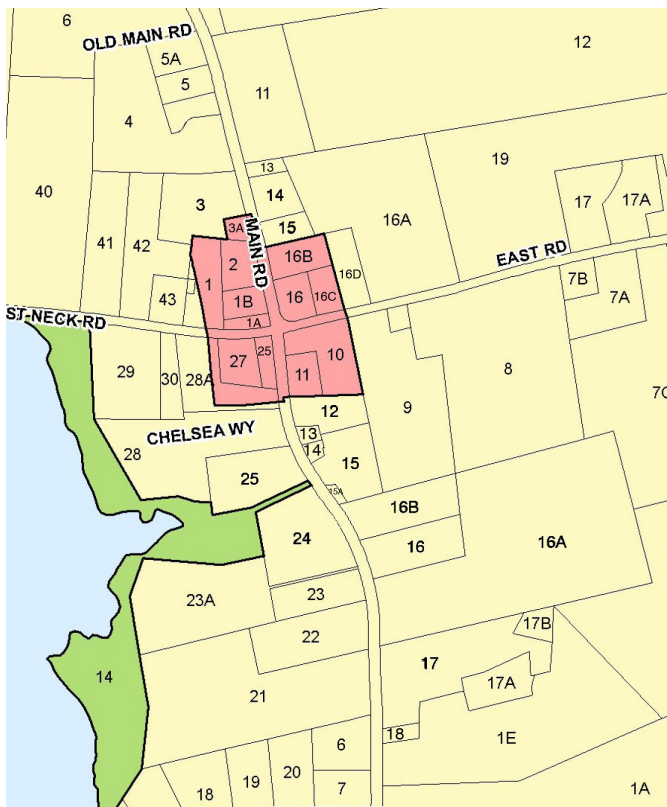
Another objectives of the proposed zoning changes is to ensure consistency with the Tiverton’s Comprehensive Community Plan as well as bring the area’s zoning into conformance with reality. Other objectives include creating more economic opportunity, more housing choices, expanding live-work possibilities, expanding the uses that will help meet the needs of local

Proposed Changes to the Village Commercial — Introduction

residents, and increasing small scale lodging options and other uses that will contribute to economic health of the village.

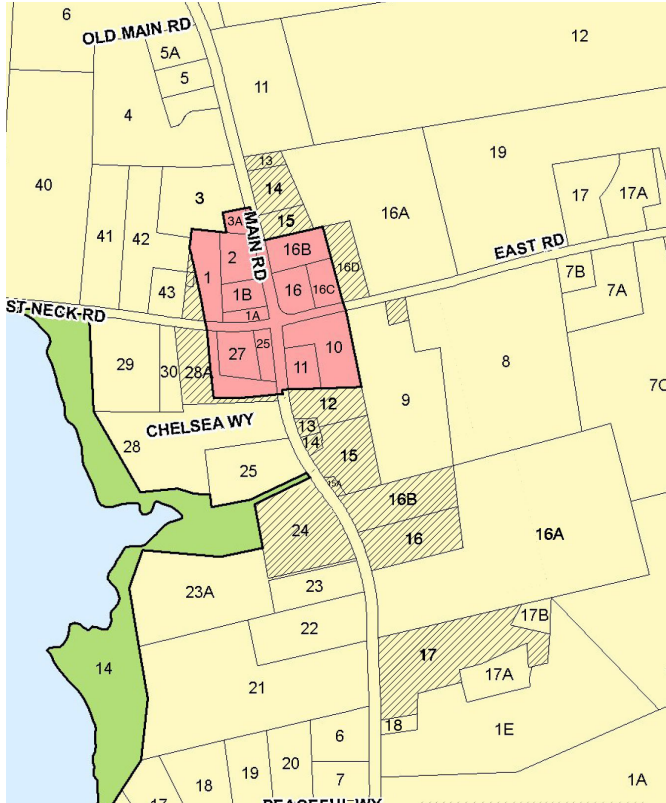
In the proposed zoning changes to the Village Commercial District and the larger Four Corners area, it is important that the form, scale, and design of new structures is compatible with the existing established commercial areas and surrounding rural landscape. Much of this can be done by a combination of site and design review and by applying an overlay district to the southern edge of the district to provide a transition between the Village Commercial and R-80 zones. It is also important to note that both the existing and all parcels in the proposed expanded Village Commercial and overlay, are also heavily regulated by the Watershed Protection Overlay District as part of the primary protection area of Nonquit Pond.

The advantage of an overlay district is that it is more restrictive than the underlying zone, and allows for specific criteria to be applied to particular areas. In the case of the proposed Limited Village Commercial Overlay, it would further restrict the uses, providing a combination of some of the uses that area allowed in the Village Commercial and some that area allowed in the R-80, put restrictions on the placement of the commercial uses, add restrictions to the overall height and footprint of buildings, as well as the aggregate footprint of commercial buildings on a site.

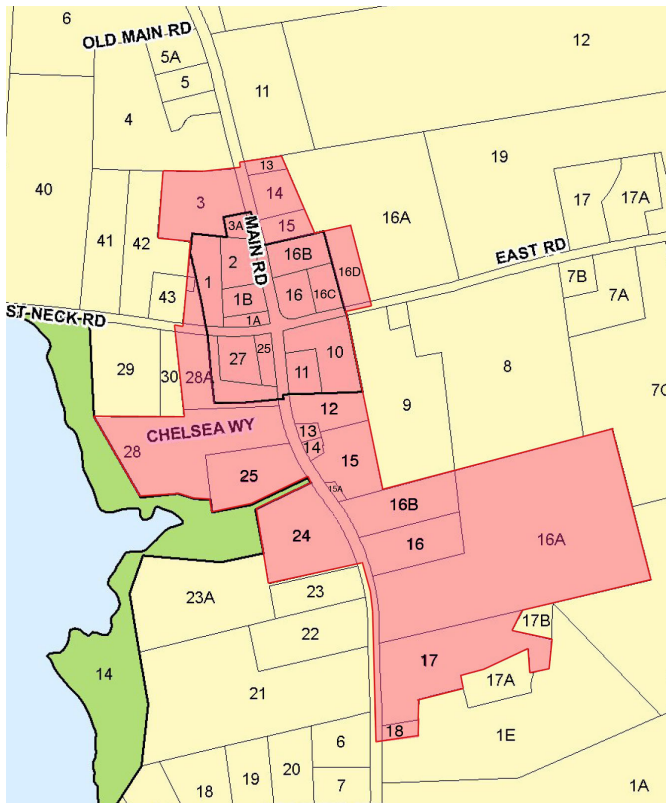


Map of Existing Village Commercial Zoning District.

Proposed Changes to the Village Commercial — Introduction

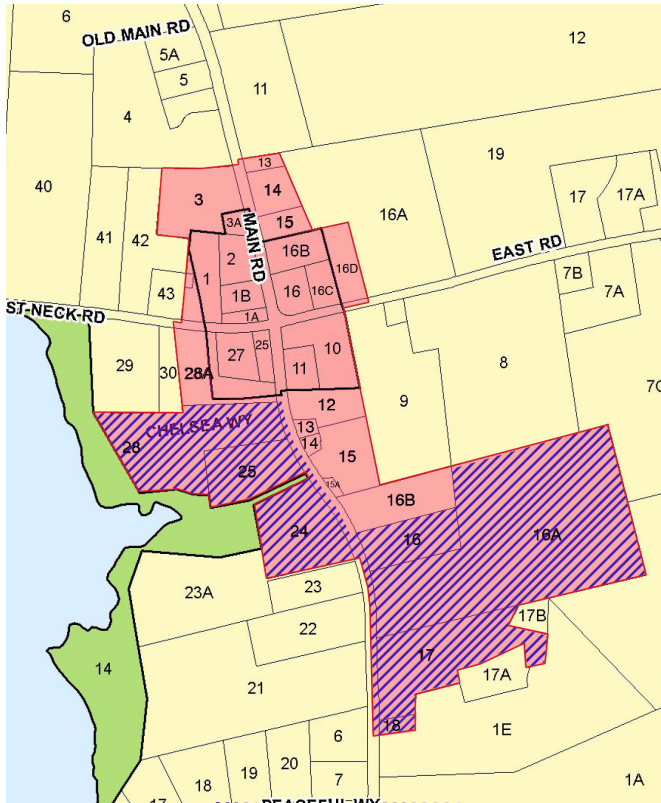


Map of Existing Village Commercial Zoning District with non-conforming properties shown with a crosshatch.

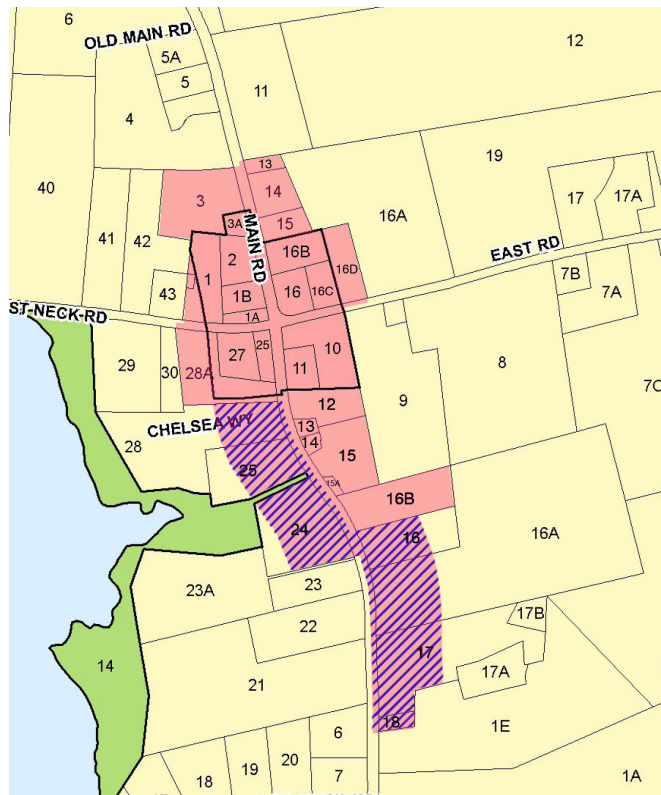


Map of Existing Village Commercial Zoning District showing proposed expansion.

Proposed Changes to the Village Commercial — Introduction



Map of Proposed Village Commercial Zoning District with Four Corners Arts & Agricultural Overlay District (Shown in crosshatch).



Map of Proposed Village Commercial Zoning District with the commercial portions of the Four Corners Arts & Agriculture Overlay District depicted in crosshatch.

APPENDIX A—ZONING

ARTICLE II. DEFINITIONS

a. Where words or terms used in this ordinance are defined in this article, they shall have the meanings stated therein, unless a contrary meaning is specifically prescribed. In addition, words used in the present tense include the future, the singular includes the plural, and the plural includes the singular. The word “used” includes “designed, maintained, occupied, intended or arranged to be used.” The word “shall” is mandatory; the word “may” is permissive; the word ‘building’ includes the word “structure”; the word “lot” includes the word “plot” or “parcel”; and the word “land” includes all wetland categories as defined herein.

b. Definitions are also contained within articles IX, XI and XII relating to cluster developments, special flood hazard areas and sign regulations, respectively.

c. For the purposes of this ordinance, the following terms shall have the following meanings (underline denotes state definitions):

Note: Proposed changes in this Article are denoted by underlined **Bold** and proposed deletions are denoted by a strikethrough.

- (9) *Bed and breakfast:* A single-family dwelling offering transient lodging accommodations to the general public within a portion of said dwelling, and which must include limited food preparation and the serving of such food within a common area. **(See related: Hotel, Inn, Motel).**
- (#) *Guest Cottage(s):* **Four or fewer detached buildings with a footprint no larger than 750 square feet, providing transient lodging accommodations to the general public for compensation. Guest cottages shall be associated with a primary residence housing the owner or operator and shall contain separate bedrooms, bathrooms, and cooking facilities. (See related: Bed and Breakfast, Hotel, Inn, Motel).**
- (47) *Hotel:* A building of two or more stories providing transient lodging accommodations to the general public **for compensation where the primary ingress and egress to and from all rooms is made through an inside lobby supervised by a person in charge at all hours. A hotel shall include more than twelve [12] units consisting of a minimum of one [1] bedroom and bathroom each and** without individual kitchen facilities ~~or separate exterior entrances.~~ Such use may contain accessory facilities including, but not limited to, a restaurant, **tabern or pub, wine room,** meeting rooms, **banquet rooms, ballrooms, spa** and recreation facilities. **Hotels shall include housekeeping service.** ~~Hotels include inns and similar establishments.~~ **(See related: Bed and Breakfast, Guest Cottage, Inn, Motel).**
- (#) *Inn:* **A building of one or more stories providing transient lodging accommodations to the general public for compensation and which the primary ingress and egress to and from at least fifty percent [50%] of the rooms is made through an inside lobby, without individual kitchen facilities or separate exterior entrances. Such use may contain accessory facilities including, but not limited to, a restaurant, tabern, pub, wine room, meeting rooms, banquet rooms, spa and recreation facilities. Inns shall include housekeeping service and shall provide dwelling accommodations for the owner or operator on premises. (See related: Bed and Breakfast, Guest Cottage, Hotel, Motel).**

APPENDIX A—ZONING

- (72) *Motel*: A ~~One-~~ or two-story building(s) providing transient lodging accommodations to the general public **for compensation** consisting of rooms or suites with separate entrances facilities. Such use may include a general kitchen and common dining room. Motels include motor inns, motor lodges, tourist courts, cabins and other similar establishments. **(See related: Bed and Breakfast, Guest Cottage, Hotel, Inn).**

- (104a) *Retail business, office, and/or consumer service complex*: A development of one or more commercial establishments, primarily retail, office, and/or consumer service-oriented in nature, located on a single parcel or contiguous parcels and consisting of ~~5,000~~ 15,000 gross square feet of floor space or more, or a total land area of 20,000 square feet or more. The footprint area of any single structure and/or the total aggregate footprint of connected structures shall not exceed 40,000 square feet. The associated parking and circulation area per structure or connected structure shall not exceed 60,000 square feet. For the purposes of this section any structures located within 20 feet of each other shall be deemed to be connected structures.

These development may include, but are not limited to a variety of retail shops that specialize in food, quality apparel, hard goods and services such as grocery stores, department stores, real estate offices, dance studios, florists and small restaurants.

Such developments shall be considered land development projects, as defined here-in, and shall be reviewed as major land developments in accordance with the land development and subdivision regulations of the Town of Tiverton and approved by the planning board.

- (#) *Retail marketplace*: A development of one or more commercial establishments, primarily retail, office, and/or consumer service-oriented in nature, located on a single parcel and consisting of no more than 15,000 gross square feet of floor space. The footprint of any single and/or connected structure shall not exceed 10,000 square feet. For the purposes of this section any structures located within 20 feet of each other shall be deemed to be connected structures.

These development shall be primarily retail in nature, but may include any commercial, office or residential use allowed by right or special permit in the underlying zone.

Such developments shall be considered land development projects, as defined here-in, and shall be reviewed as major land developments in accordance with the land development and subdivision regulations of the Town of Tiverton and approved by the planning board.

APPENDIX A—ZONING

ARTICLE III. ZONING DISTRICTS

Note: Proposed changes in this and subsequent Articles are denoted by an underline and proposed deletions are denoted by a strikethrough.

Section 1. Establishment of districts.

To achieve the purpose of this ordinance, the Town of Tiverton is hereby divided into the following zoning districts:

- # Four Corners Arts & Agriculture Overlay District: This is a district which is superimposed over certain mapped areas of the Village Commercial(VC) district. The Four Corners Arts & Agriculture Overlay District shall be governed by the regulations of the Village Commercial district as well as additional specific regulations as described in Article XXIII.*

APPENDIX A—ZONING

ARTICLE IV. DISTRICT USE REGULATIONS

Section 1. Interpretation of zoning district use table.

The status of the uses listed in the following zoning district use table are indicated by symbols appearing under the appropriate column headings. The interpretation of the symbols is as follows:

- P The use is permitted
- S The use is permitted only as a special use granted by the zoning board of review, in accordance with articles XV and XVI.
- N The use is not permitted.

(Ord. of 6-4-01(3))

Section 2. Residential uses

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Single-family dwelling	P	P	P	P	<u>S</u> <u>P</u>	N	N	N	N	N
b.	Two-family dwelling	P	N	P	N	N	N	N	N	N	N
c.	Multi-family structure or apartment house	S	N	S	N	N	N	N	N	N	N
d.	Mixed-use residential	N	N	N	N	<u>S</u> <u>P</u>	P	S	S	N	N
e.	Household	P	P	P	P	P	P	N	P	N	N
f.	Community residence	P	P	P	P	P	P	N	P	N	N
g.	Family day care	P	P	P	P	P	P	N	P	N	N
h.	Taking of boarders or the renting of rooms by a resident family (not to exceed two roomers or boarders)	P	P	P	P	P	S	N	S	N	N
i.	Bed and breakfast	S	S	S	S	<u>S</u> <u>P</u>	S	N	S	N	N
#	<u>Guest Cottage(s)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
#	<u>Inn</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
j.	Motel or hotel	N	N	N	N	N	P	P	S	N	N
#	<u>Hotel</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>N</u>	<u>N</u>

APPENDIX A—ZONING

Section 2. Residential uses

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
k.	Home occupation carried on by the occupant of the residence, including residential arts and crafts but excluding sales of such items	P	P	P	P	P	P	N	P	N	N
l.	Sale of agricultural products grown on the premises	P	P	P	P	P	P	P	P	P	N
m.	One satellite receiving antenna, one meter or less in diameter	P	P	P	P	P	P	P	P	P	N
n.	Satellite receiving antenna, more than one meter and up to two meters in diameter	S	S	S	S	P	P	P	P	P	N
o.	Satellite receiving antenna, more than two meters in diameter, or more than one antenna of any size	S	S	S	S	N	S	S	S	S	N
p.	Convalescent, rest or nursing home <u>consisting of 12 rooms or more</u>	S	S	S	S	N	S	N	N	N	N
#	<u>Convalescent, rest or nursing home consisting of fewer than 12 rooms</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
q.	Retirement residence/ assisted living facility/and continuing care facility <u>consisting 12 rooms or more</u>	S	S	S	S	N	S	N	N	N	N
#	<u>Retirement residence/ assisted living facility/and continuing care facility consisting of fewer than 12 rooms</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
r.	Manufactured home elderly community*	P	N	P	N	N	N	S	N	N	N

APPENDIX A—ZONING

Section 2. Residential uses

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
s.	Accessory building including a garage, shed, studio and any other building incidental to and located on the same lot as the residential use permitted**	P	P	P	P	S <u>P</u>	N	N	S	N	N

*According to the provisions of section 16 of this article.

**See section 14 of this article.

(Ord. of 6-4-01(3); Ord. of 11-24-03)

Section 3. Farming or raising of animals.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Commercial raising of crops, including associated greenhouse or nursery*	P	P	P	P	P	P	P	N	S	S
b.	Commercial raising of animals or fowl. This includes kennels for the raising, boarding or sale of dogs, cats or other fur-bearing animals, but not the raising of swine	N	S	S**	S**	N	S	N	N	S	N
c.	Preserve for the protection of wildlife and plant life	P	P	P	P	P	P	P	P	P	P
d.	An accessory building or structure to be used for the display and sale of the agricultural products produced by the uses allowed herein on said land	P	P	P	P	N <u>P</u>	P	P	N	P	S

APPENDIX A—ZONING

Section 3. Farming or raising of animals.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
e.	Accessory building including a garage, greenhouse, stable, barn, pen, coop, kennel, crib, silo and any other building, equipment or activity incidental to, necessary for and located on the same lot as the agricultural use permitted***	P	P	P	P	N <u>P</u>	P	P	N	P	S
f.	Aquaculture	N	S	S	S	N	N	N	S	S	N

*For retail sales of agriculture products see section 10.

**Commercial raising of animals or fowl shall become a use allowed by right rather than special use permit where the subject property is five acres or greater in area.

***See section 14 of this article.

(Ord. of 6-4-01(3))

Section 4. Public and semipublic uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Church or other place of worship	P	P	P	P	P	P	P	P	P	N
b.	Nonprofit organization club, lodge, social or community center building	S	S	S	S	S <u>P</u>	P	N	N	P	N
c.	Art center	N	N	N	N	P	P	P	S	S	N
d.	Membership athletic club	N	N	N	N	N <u>S</u>	P	P	N	S	N
e.	Hospital, <u>or</u> medical center or clinic	N	N	N	N	N	S	S	N	S	N
#	<u>Medical clinic</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>
f.	Municipal or government building	S	S	S	S	N <u>P</u>	P	P	N	P	N
g.	Fire or police station	P	P	P	P	N <u>P</u>	P	P	N	P	N
h.	Day care center	S	S	S	S	S	S	N	N	S	N
i.	Private non-profit school	S	S	S	S	N <u>P</u>	S	N	N	N	N

APPENDIX A—ZONING

Section 4. Public and semipublic uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
j.	Junior college, college or university	N	N	N	N	N	S	S	N	S	N
#	Junior college, college or university satellite containing less than four classrooms	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>
k.	Private trade, professional or other school	S	S	S	N	N <u>S</u>	P	P	S	S	N
l.	School conducted as a private gainful business for teaching subjects such as music, singing, and dancing, karate or martial arts, and computer training	N	N	N	N	S <u>P</u>	P	P	N	N	N
m.	Cemetery, whether public or private*	S	S	S	S	N <u>S</u>	S	S	N	N	N

* According to the standards of Section 3.c of Article XVI.
(Ord. of 6-4-01(3))

Section 5. Public utility uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Electric power generating station	N	N	N	N	N	N	N	N	S	N
b.	Electric power substation	N	N	S	S	N	S	S	S	P	N
c.	High voltage electric transmission towers	S	S	S	S	N	S	S	S	S	N
d.	Towers, including but not limited to, radio frequency towers	N	S	S	S	N	S	S	S	S	N
e.	Water tower	S	S	S	S	N	S	P	N	P	N
f.	Sewage treatment plant or solid waste disposal facility	N	N	N	N	N	S	S	N	S	N
g.	Municipal water and sewer lines	P	P	P	P	P	P	P	P	P	S
h.	Public utility structure not otherwise specified	S	S	S	S	N	S	S	S	S	N

APPENDIX A—ZONING

(Ord. of 6-4-01(3))

Section 6. Open recreation uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Golf course or golf club	S	S	S	S	N	N	N	N	N	N
b.	Driving tee or range, miniature golf course, or similar use operated for commercial purposes	N	N	N	N	N	S	S	N	N	N
c.	Public park										
	(1) To include structures for shelter, education and comfort of users	P	P	P	P	S <u>P</u>	P	P	S	N	S
	(2) To include furnishing of food and drink, and personal services and equipment incidental to use of such park	S	S	S	S	N <u>P</u>	P	P	S	N	N
d.	Bathing beach	P	P	P	P	N	P	N	S	N	N
e.	Municipal or commercial swimming pool	N	N	N	N	N	P	P	N	N	N
f.	Swimming pool as an accessory use	P	P	P	P	N <u>P</u>	P	P	P	P	N
g.	Riding stable or academy	N	S	S	S	N	N	N	N	N	N
h.	Yacht club or marina	S	S	N	N	N	N	N	P	N	N
i.	Waterfront recreation business. This includes boat rentals and tours, charter fishing boats or similar uses	N	N	N	N	N	N	N	P	N	N
j.	Other open commercial recreational use	N	N	N	N	N <u>S</u>	S	S	N	N	N
k.	Campground	N	S	S	S	N	N	N	N	N	N

(Ord. of 6-4-01(3))

APPENDIX A—ZONING

Section 7. Office uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Professional home office	S	S	S	S	P	P	P	P	N	N
b.	Professional and general office including real estate, insurance etc.	N	N	N	N	P	P	P	S	S	N
c.	Bank, credit union or office building										
	(1) Not including drive through service	N	N	N	N	N <u>P</u>	P	P	N	S	N
	(2) Including drive through service	N	N	N	N	N	S	S	N	S	N
d.	Temporary sales or promotion office in connection with adjacent construction, limited to one year	S	S	S	S	N	P	P	S	P	N

(Ord. of 6-4-01(3))

Section 8. Restaurants and entertainment.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Restaurant										
	(1) Not including entertainment	N	N	N	N	P	P	P	S	S	N
	(2) Including entertainment	N	N	N	N	N <u>S</u>	S	P	S	S	N
b.	<u>Tavern or Pub</u>										
	<u>(1) Not including entertainment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>
	<u>(2) Including entertainment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
#.	Tavern or <u>Night club</u>										
	(1) Without adult entertainment	N	N	N	N	N	S	S	N	S	N
	(2) With adult entertainment	N	N	N	N	N	N	S*	N	N	N
c.	Theater or concert hall	N	N	N	N	S	S	P	N	N	N

APPENDIX A—ZONING

Section 8. Restaurants and entertainment.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
d.	Indoor commercial recreation	N	N	N	N	N	P	P	N	N	N
e.	Restaurant with drive-through service	N	N	N	N	N	S	S	N	N	N

* Such use shall not be located within 1,000 feet of any church, school, day care center or residence.
(Ord. of 6-4-01(3))

Section 9. Service business.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Personal convenience services, including but not limited to: barber shop, beautician, shoe repair, tailor	N	N	N	N	P	P	P	N	N	N
b.	Laundromat or dry cleaning facility	N	N	N	N	N	P	P	N	N	N
#	<u>Laundromat or dry cleaning drop-off facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
c.	Specialty services, including but not limited to: printing shop, photo studio, interior decorating shop, catering service	N	N	N	N	P	P	P	N	N	N
d.	Mortuary or funeral home , crematorium	N	N	N	N	N	P	P	N	N	N
#	<u>Funeral home</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
e.	Electronic or appliance repair shop	N	N	N	N	S <u>P</u>	P	P	N	N	N
f.	Veterinary office or animal hospital	N	S	S	S	N <u>S</u>	P	P	N	N	N
g.	General automotive repair shop	N	N	N	N	N	S	S	N	S	N
h.	Vehicle rental agency	N	N	N	N	N	S	S	N	N	N
i.	Self-service car wash	N	N	N	N	N	S	S	N	N	N
j.	Commercial dock or pier	N	N	N	N	N	N	N	P	N	N

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Section 9. Service business.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
k.	Storage, repair and sales of boats and marine accessories	N	N	N	N	N	S	P	S	S	N

(Ord. of 6-4-01(3))

Section 10. Retail business.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	General retail business, including but not limited to: grocery/convenience store, pharmacy, hardware store, variety/general merchandise store, furniture/household goods store	N	N	N	N	<u>S</u> <u>P</u>	P	P	S	N	N
b.	Specialty retail business, including but not limited to: antique store, book store, decorative arts/house-wares/furnishings store, specialty food store	N	N	N	N	P	P	P	S	N	N
c.	Single or multiple structure shopping centers, malls, mini-malls and strip malls.	N	N	N	N	N	S	S	N	N	N
d.	Retail business, office and/or consumer service complex,	N	N	N	N	N	S	S	S	P	N
#	<u>Retail marketplace</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>N</u>
e.	Retail sales accessory to the manufacture or assembly of products on the premises	N	N	N	N	N <u>P</u>	P	P	S	P	N
f.	Retail sales with open lot storage	N	N	N	N	N	S	S	S	N	N
#	<u>Retail sales with open lot display (during hours of operation only)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>

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Section 10. Retail business.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
g.	Retail sales of agricultural products, the majority of which are not grown on the premises**	N	N	N	N	<u>S</u> <u>P</u>	P	P	N	N	N
h.	Package liquor store	N	N	N	N	P	P	P	N	N	N
i.	Adult book/video store	N	N	N	N	N	N	S***	N	N	N
j.	Gasoline filling station, including retail sales as an accessory use	N	N	N	N	N	S	S	N	N	N
k.	Auto or truck sales in a building (including repairs) or an open lot	N	N	N	N	N	S	P	N	N	N
l.	Trailer sales, service and storage	N	N	N	N	N	S	P	N	S	N

*The gross area of any single structure shall not exceed 40,000 square feet and its associated off-street parking area shall not exceed 60,000 square feet.

**See section 2.1 for sale of home-grown agricultural products and section 3.a for sale of agricultural products grown commercially.

***Such use shall not be located within 1,000 feet of any church, school, day care center or residence.

(Ord. of 6-4-01(3); Ord. of 3-25-02; Ord. of 3-22-04)

Section 11. Transportation uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Commercial airport or heliport	N	N	N	N	N	N	N	N	S	N
b.	Private landing strip or helipad	N	N	S	S	N	S	S	S	S	N
c.	Bus or rail passenger station	S	N	N	N	N	S	S	S	S	N
d.	Commercial off-street parking facility, including bus or other vehicle storage	N	N	N	N	N	S	S	N	S	N

(Ord. of 6-4-01(3))

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Section 12. Wholesale business and storage.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Wholesale business and storage of nonflammable and non-explosive material in a building	N	N	N	N	N	S	P	S	P	N
b.	Wholesale business which may include open lot storage of material, products and/or construction or other equipment	N	N	N	N	N	N	S	S	P	N
c.	Mini-storage facility	N	N	N	N	N	S	S	N	S	N
d.	Storage of flammable and/or explosive material	N	N	N	N	N	S	S	S	S	N
e.	Retail outlet accessory to a wholesale or storage use	N	N	N	N	N	S	P	S	S	N

(Ord. of 6-4-01(3))

Section 13. Industrial uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a.	Manufacturing, storing, processing, fabricating, activities in conformance with article XIII	N	N	N	N	N	N	N	S	S	N
b.	<u>Storing activities in conformance with article XIII</u>	N	N	N	N	N	N	N	S	S	N
c.	<u>Processing activities in conformance with article XIII</u>	N	N	N	N	N	N	N	S	S	N
d.	<u>Fabricating activities in conformance with article XIII</u>	N	N	N	N	N <u>S</u>	N	N	S	S	N

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Section 13. Industrial uses.

		<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<i>R-80</i>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
b. e.	Product assembly, including but not limited to: electronic items, computers, optical goods and instruments, laboratory and scientific instruments, watches and clocks, games and toys, and advertising displays	N	N	N	N	N <u>P</u>	P	S	S	P	N

(Ord. of 6-4-01(3))

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Section 14. Accessory uses.

a. An accessory use which is clearly incidental and secondary to the principal permitted use of the premises or structure shall be allowed, provided, however, that such accessory use shall be located on the premises to which it applies, and shall not be detrimental to or impair adjacent properties or the neighborhood.

b. Where a principal use is allowed by special use permit, an accessory use which is clearly incidental and secondary to the principal use shall be allowed by special use permit, provided that such accessory use shall be located on the premises to which it applies, and shall not be detrimental to or impair adjacent properties or the neighborhood.

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ARTICLE V. DISTRICT DIMENSIONAL REGULATIONS

Section 2. General requirements.

- c. If 25 percent or more of the buildings fronting on a street do not have the minimum front yard depth, then the required front yard for a building hereafter erected shall be the average of the front yards of the lots having buildings thereon, ~~except that all subsequent front yards shall not be less than 25 feet however,~~ Subsequent front yards may be equal to the direct abutting properties on either side regardless of the average for the street.
- d. Lot frontage shall not be less than 120 feet, except in General and Village Commercial zoning districts where it shall be no less than 100 feet. Where a lot fronts on a cul-de-sac, with no defeasible easement for future street extension, the frontage shall not be less than 75 feet, provided however that the lot width at the front yard depth be a minimum of 120 feet. The cul-de-sac shall conform to the standards in the Tiverton land development and subdivision regulations.
- e. The front lot line on lots fronting on more than one street, such as through lots and corner lots, shall be that along the street line which is the greater of the two, and shall conform with the front yard requirements as provided in section 1. In the General and Village Commercial ~~Zone~~ zoning districts, the front yard will be considered to be that of the primary street (that street of higher traffic volume or intensity of classification).

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ARTICLE VI. OTHER DISTRICT REGULATIONS

Section 3. Accessory structures.

a. In nonresidential zoning districts, no accessory building, structure or use, except fences as permitted by section 2 above, shall be located closer than five feet to any lot line within the required rear yard.

b. In a residential district, a permitted accessory structure may cover up to 25 percent of the rear yard area, but may not be placed closer to a boundary line than the minimum side or rear yard requirements of that district, unless the structure is on a temporary footing, in which case it may not be placed closer than five feet to any lot line. A detached garage may be placed between the principal structure and the side lot line provided it is not within the minimum side yard setback.
(Ord. of 5-23-05)

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ARTICLE XII. SIGN REGULATIONS

Section 1. Statement of purposes.

The Town of Tiverton wishes to regulate signs within its jurisdictional boundaries under its zoning powers to accomplish the following:

- e. To promote the general health, safety, and welfare by ensuring that sign copy is appropriately scaled with regard to setback, context, vehicle speed, and legibility.
- e-f. To protect the public investment in the safety and appearance of streets and highways.
- f-g. To further the objectives of the comprehensive community plan.

Section 2. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

- a. *Sign*: Any object, device or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any visual means, including words, letters, figures, designs, symbols, ~~fixtures~~, ~~colors~~, ~~illumination~~ or projected images.
- b. *Sign copy*: The characters, letters or illustrations displayed on a sign face.
- c. [*Types of signs according to structure.*] The below definitions describe the types of signs according to their structure:
 - (6) *Marquee sign*: A sign made onto a marquee or similar projection from a building: a marquee is a permanent structure (other than a ~~roof~~) supported by and projecting from a building to provide protection from the elements.
 - (8) *Pole sign*: A type of freestanding sign supported by a pole or poles or similar narrow width structure(s).
- d. [*Types of signs according to sign character.*] The following definitions describe the types of signs according to content and design of the sign copy (sign character):
 - (2) *Changeable Copy Sign*: A sign designed so that individual characters, letters or illustrations can be changed or rearranged without altering the face of the sign.
 - (3) *Directional Sign*: A sign that provides on-site directional assistance for the convenience and safety of the public such as location of exits and entrances, one way, do not enter, open/closed, [and] hours-of-operation signs.
 - (4) *Electric Sign*: Any sign containing or using electrical wiring or battery power.
 - (5) *Electronic Message Center*: A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, plasma or a ~~flipper~~ dot matrix.

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- (6) *Externally Illuminated Sign:* A sign that utilizes ~~is illuminated at night or in the early morning darkness by an external~~ artificial light source that is aimed projects at and reflects upon illuminates the sign's surface.
- (7) *Flashing Sign:* A sign with an intermittent or flashing light source. Generally the sign's message is ~~constantly~~ cycled and repeated.
- (8) *Halo Illuminated Sign:* A sign that utilizes "floating" opaque letters or objects that project from but are parallel to the sign's surface and are illuminated from behind, creating an outline or halo effect around the letter or objects perimeter.
- ~~(8)~~(9) *Internally Illuminated Sign:* A sign, lettering, or objects made of a translucent material utilizing an with electrical equipment installed for illumination at night or in early morning darkness that is internally artificial light source to illuminated through its the sign face and/or copy by a light source contained within the sign from within.
- ~~(9)~~(10) *Point-of-sale sign:* A small sign designed to provide information at the point of sale, such as menu signs at walk-up windows or drive-through order locations of food establishments.
- ~~(10)~~(11) *Time-and-temperature Display:* A variable message sign that displays current time and temperature in a stationary or alternating manner.
- ~~(11)~~(12) *Two-day signs:* Signs to announce private or semiprivate events of brief duration, whose copy is of a noncommercial nature.
- e. [Additional definitions.] Additional definitions are as follows:
- (8) *Shopping center / Retail complex:* ~~Any lot in a commercial or industrial district which includes more than one business establishment~~ Refer to Article II. Definitions for Shopping centers, malls, mini malls and strip malls and for Retail business, office, and/ or consumer service complex.

Section 3. General standards.

a. In measuring the area of signs permitted under these regulations, the entire face of the sign, and any wall work incidental to its decoration, or unnecessary structural framework that serves primarily to enlarge the visual effect of the sign, shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of ~~raised~~ letters or objects that project vertically beyond the primary sign geometry or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the sign face.

Section 4. Standards by use.

c. *Village Commercial district.* General: Minimum side setback is five feet from abutting commercially zoned properties, 50 feet from a residential district boundary, and zero from the front property boundary, however, it must be demonstrated that sign placement does not create a visual obstruction that would compromise the safety of pedestrians and motorists and must comply with Section 2(e)(9). No lighting is permitted other than a continuous light with a color temperature of 2700K or as close to incandescent as practical. No ground mounted external lighting source shall be

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permitted. Halo lighting and signage of plastic materials are prohibited. All new signage not already subject to Article XX Design review shall be subject to Design Review under Article XX, Section 3(b)(1).

(1) Permitted number. A maximum of one freestanding sign shall be permitted for each commercial building on a lot—up to a maximum of two (2) freestanding signs. Such signs must have a 30 foot separation. Each individual business shall be permitted one additional building-mounted sign. Where a building contains only one business, two building-mounted signs shall be permitted. One additional freestanding sign shall be permitted for any building set back from the road more than ~~150~~ 100 feet, provided sign is pedestrian in scale, and less than 15 square feet.

(2) Permitted types, sizes and heights.

(a) Freestanding, monument: Maximum of 20 square feet, 7 feet high.

(b) Freestanding, pole: Maximum of 20 square feet, 10 feet high measured to top of sign, not top of post. Freestanding pole signs must maintain a minimum clearance of seven feet between the bottom of sign and the ground near pedestrian pathways.

(c) Attached, wall or marquee: The top of the sign shall be below the roof ridge line and below the height limitation of the Village Commercial district. Such signs shall be compatible with the building and wherever possible utilize traditional techniques, locations, and materials. Size limits shall be based on pedestrian legibility and in no case shall they exceed (20) square feet, regardless of setbacks.

(d) Attached, projecting: Maximum of 16 square feet, 20 feet high and below the roofline.

(e) Attached, awning or canopy: Maximum of 20 square feet and below the top of the awning or canopy.

(3) Signs prohibited in the Village Commercial Zoning District (in addition to those listed in Section 7)

(a) Signs manufactured from plastic materials.

(b) Halo Illuminated Signs.

(c) Exterior Illuminated Signs utilizing ground mounted or other up-lighting techniques.

(e) Any Electronic Message Center Sign.

e.d. Shopping centers. Shopping centers shall conform to the regulations for the commercial and industrial districts, with the following exceptions. The one freestanding sign permitted may be a multiple sign structure, with one sign to identify the center, maximum 28 square feet, and one additional sign for each business establishment as part of the same sign, maximum of eight square feet each. An additional permanent changeable copy sign may be added to this freestanding sign, maximum size 28 square feet, in lieu of the commercial special event signs described in section 8.

Shopping centers with five or more business establishments planned as an integrated development, and located at a street intersection, shall be authorized a maximum of two freestanding signs, one each on two separate street frontages.

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~~d.e.~~ *Gasoline stations.* Gasoline stations shall comply with applicable state and federal signage regulations. The following additional regulations shall apply:

Section 5. Legal nonconforming signs.

No legal nonconforming sign shall be structurally altered, enlarged, moved or replaced unless the sign is brought into compliance with the provisions of this article. All nonconforming signs in any district which are not maintained or are abandoned for a period of one year shall be removed. For the purposes of this article, a sign shall be considered abandoned if no copy or advertising matter is exhibited, if such copy is only partially legible, or if the business advertised has been abandoned.

Section 6. Violations.

Nothing contained in this article shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of this article or any prior ordinance. Any violation of the provisions of this article is declared to be a public nuisance, and enforcement actions shall be carried out in accordance with article XVIII of the zoning ordinance.

Section 7. Prohibited signs.

- a. The following are prohibited except as stated otherwise in this ordinance:
 - ~~a.~~(1) Animated Signs, Electric Signs, Electronic Message Centers, and Internally Illuminated ~~Sings~~ Signs as defined above, including but not limited to any sign that uses artificial illumination, except those used by government highway and police departments. Externally and Halo Illuminated Signs are permitted, except as otherwise noted.
 - ~~b.~~(2) Moving signs, including but not limited to pennants, flags with commercial messages, streamers, propellers, discs and searchlights.
 - ~~c.~~(3) Flashing Signs, including but not limited to any sign with flashing, blinking or intermittent lights, not including Time-and-Temperature Display signs, as defined above, or those used by government highway departments.
 - ~~d.~~(4) Glaring signs, or those signs with light sources or reflectivity of such brightness to constitute a hazard or nuisance as determined by the Zoning Official.
 - ~~e.~~(5) Inflatable signs and objects.
 - ~~f.~~(6) Off-site signs~~;~~ except in commercially-zoned areas where a parking area or structure can be accessed from an alley, driveway, easement or other legal means.
 - ~~g.~~(7) Portable signs, with the exception of authorized temporary signs.
 - ~~h.~~(8) Simulated traffic sign or obstructions, or those signs which may be confused with, or obstruct the view of, authorized traffic signs or signals.
 - ~~i.~~(9) Any sign or type that is not specifically addressed in this ordinance is forbidden.

ARTICLE XIII. REGULATION OF INDUSTRIAL OPERATIONS

Section 1. General requirements.

a. Property and buildings to be used for industrial purposes shall be so designed and laid out as to minimize disturbance to adjacent property by such features as buffer fences, plantings, suitably located points of traffic ingress and egress, and areas for loading and parking.

b. No structure shall be erected for any industrial use or occupied for industrial use, and no land shall be used for industrial purposes, unless such industrial use and operation is in accordance with the performance standards of this article.

Section 2. Administration and enforcement.

a. The zoning board of review shall act upon all requests for building permits for industrial uses in accordance with article XVI, section 3.a [sic] and section 4 [sic], and make findings as to the compliance of the proposed uses to the performance standards of section 3 of this article.

It is intended that the burden of proof for the establishment of compliance with the performance standards of section 3 shall rest with the applicant. All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

No applicant shall be required to reveal any secret processes. The applicant or his representative shall be invited to appear before the zoning board of review at its scheduled meeting.

b. The zoning board of review may require such evidence as may be pertinent to establishing assurance that the proposed use will comply with section 3, including expected levels or quantities of noise, vibration, liquid or solid wastes, smoke and other forms of air pollution, heat and glare, or other nuisances as set forth in section 3 in terms easily comparable with the values given in that section.

In cases where correction devices are to be used, they shall be stated, and examples of such correction devices in use will be given with such illustrations as are necessary to clearly convey the methods used to the zoning board of review.

Examples of similar industrial operations in actual use, with photographs, testimony and explanation, may be submitted to the zoning board of review to clearly convey the type of use and its performance.

c. In the event of a determination by the zoning officer of a violation of the performance standards subsequent to the granting of a permit, a written notice of the violation shall be sent by registered mail to the owner of the industrial use. The notice shall further state that, upon the continuation of the violation, technical determinations as described in this ordinance shall be made by the zoning officer, and, if violations as alleged are found, costs of such determinations, including the costs of hiring qualified experts, shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. If it is determined that no violation exists, the cost of the determination will be paid by the Town of Tiverton.

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Section 3. Industrial performance standards.

The following standards for the operation of ~~uses in the~~ industrial uses districts shall apply:

- a. *Noise.* ~~In an LI district,~~ Industrial noise shall be measured from any property line of the tract on which the industrial operation is located. Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.

~~In a GI district,~~ Industrial noise shall be measured from the nearest industrial district boundary line. Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.

At the specified points of measurement, the sound pressure level of noise radiated continuously from an industrial facility or activity (other than background noises not under the direct control of the industrial use, such as vehicular traffic) shall not exceed the values given in tables 1 and 2 below, in octave bands of frequency between the nighttime hours of 7:00 p.m. and 7:00 a.m.

The instruments used for these measurements shall conform to the specifications published by the American Standards Association, Inc., New York, N.Y. The sound pressure level shall be measured with a sound level meter (American Standard Specification for Sound Level Meters for Measurement of Noise and Other Sounds, S1.4-1961) and an octave band analyzer (American Standard Specification for an Octave Band Filter Set, as indicated in table 1).

TABLE 1. MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS

<i>Pre-1960 Octave Bands *a</i>		<i>Preferred Frequency Octave Bands *b</i>	
<i>Octave Band Frequency (hertz)</i>	<i>Decibels</i>	<i>Octave Band, Center Frequency (hertz)</i>	<i>Decibels</i>
0--75	72	31.5	76
75--150	67	63	71
150--300	59	125	65
300--600	52	250	57
600--1,200	46	500	50
1,200--2,400	40	1,000	45
2,400--4,800	34	2,000	39
Above 4,800	32	4,000	34
		8,000	32

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*a Pre-1960 octave bands. A standardized series of octave bands prescribed by the American Standards Association in Z24.10-1953, Octave Band Filter Set for the Analysis of Noise and Other Sounds.

*b Preferred frequency octave bands. A standardized series of octave bands prescribed by the American Standards Association in S1.6-1960, Preferred Frequencies for Acoustical Measurements. If the noise is not smooth and continuous and/or is not radiated between the hours of 7:00 p.m. and 7:00 a.m., one or more of the corrections in table 2 shall be added to or subtracted from each of the decibel levels given in table 1.

TABLE 2

<i>Type of Operation or Character of Noise</i>	<i>Correction in Decibels</i>
Daytime operation 7:00 a.m. to 7:00 p.m.	Plus 5
Noise source operated less than 20% of any one-hour period	Plus 5*
Noise source operated less than 5% of any one-hour period	Plus 5*
Noise source operated less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering and so forth)	Minus 5
Noise of periodic character (hum, screech and so forth)	Minus 5

*Apply one of these corrections only.

- b. *Vibration.* Vibration shall be measured at the nearest property line, and shall be regulated by the following standards:
 - (1) No vibration is permitted which is discernable to human sense of feelings for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m., or 30 seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.
 - (2) No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the “safe” range of table 7, U.S. Bureau of Mines Bulletin No. 442, “Seismic Effects of Quarry Blasting,” on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this regulation.
- c. *Smoke and other forms of air pollution.* Industrial operations shall conform to the “Air Pollution Control Regulations” of the Rhode Island department of health, issued under the provisions of G.L. 1956, § 23-25-1 et seq., which regulations are hereby incorporated as part of this ordinance.
- d. *Industrial sewage and waste.* Sewage and waste shall be deposited in the public sewage system when available. Effluent from any industrial plant which is discharged into the ground shall at all times comply with the “Rules and Regulations Pertaining to Disposal of Sanitary Sewage in Unsewered Areas” of the Rhode Island department of health, issued under the

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provisions of G.L. 1956, § 23-23-1 et seq., which regulations are hereby incorporated as part of this ordinance.

- e. *Heat and glare.* Any industrial operation producing heat and glare, as differentiated from interior illumination, shall be shielded so that no heat or glare can be recorded at the property line. No industrial or exterior lighting shall be used in such a manner that produces glare on public highways or neighboring property.
- f. *Radiation.* Industrial operations shall cause no dangerous radiation at the property line as specified by the regulations of the United States Atomic Energy Commission.

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ARTICLE XVI. SPECIAL USE PERMITS

c. In considering an application for a special use permit to allow the use of land for a cemetery or burial ground, the board must be provided evidence of the following:

- (1) The area to be used as a cemetery or burial ground will have permanent boundary markers and have a minimum size of not less than 625 square feet.
- (2) The area to be used as a cemetery or burial ground is located on a separately deeded parcel of land recorded in the land evidence records of the Town of Tiverton, which deed shall specifically set forth that the land contained therein is dedicated for use as a cemetery or burial ground.
- (3) That the proposed location of the cemetery or burial ground will not be detrimental to public health; that it will be compatible with neighboring uses and be not less than 30 feet from the boundary line with adjoining properties; that there is permanent access to the proposed burial ground; and that adequate provisions have been made for perpetual care of the cemetery.

A plan of the area to be used as a cemetery or burial ground showing the surrounding properties, and the present and proposed grave sites, shall, upon approval of the board, be recorded with the land evidence records of the Town of Tiverton.

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ARTICLE XX. DEVELOPMENT PLAN REVIEW

Section 1. Statutory authority and purpose.

Development plan review, a process by which the town planning board and its Technical Review Committee reviews the development, site and architectural plans of certain industrial, commercial or multi-unit residential projects is enacted pursuant to the provision of RIGL 45-24-49. It is designed to achieve the purposes set forth in article I, section 2, provide for a cooperative and collaborative design process between the developer/applicant and the town, and to ensure the following:

Section 3. Applicability.

The provisions of this article shall apply to the following activities:

- b. *Design Review. Projects*, as described in the categories below which are determined to have a significant visual impact. If there is not a visual impact significant to require design review, a waiver may be granted with the concurrence of the Building Official, Town Planner and the Administrative Officer and a written report made to the Planning Board. Projects granted such waivers will be referred to the Technical Review Committee for design or other assistance through an informal review. Projects that do not meet any of the thresholds outlined below may elect to meet with the Design Review Subcommittee and take advantage of design or other assistance through an informal review.
 - (1) *Lower Threshold Range*: Expansions involving between 25 and 50 percent of the footprint to an existing commercial or mixed-use building within the Industrial, Waterfront, General Commercial or Highway Commercial Districts, ~~or~~ significant exterior physical alterations to a multi-family structure of four units or more or any new exterior signage within the Village Commercial District.
 - (3) *Upper Threshold: (Village Commercial / Tiverton Four Corners area).* New construction, expansion or exterior physical alteration of a commercial, ~~or~~ residential or mixed-use building; new construction of any accessory buildings greater than 250 100 SF; or any site alteration greater than 1,000 square feet, within the Village Commercial (Tiverton Four Corners area). For any demolition within the Village Commercial, the Building Official shall refer the applicant to the Town Planner and Historic Preservation Advisory Committee so the applicant can be appraised of the possible historic significance of the property slated for demolition as well as the redevelopment requirements and limitations.

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Section 6. Review guidelines.

a. For site plan review done under the provisions of this article, the planning board shall apply the improvement standards contained in article X of the land development and subdivision regulations, and specifically those contained in section 23-61, control of stormwater runoff, and section 23-66, soil erosion and sediment control, where applicable.

In addition, the board shall apply the following standards:

General site standards:

- (1) Buildings and site improvements should be done so as to minimize changes to existing topography and the loss of existing mature vegetation.
- (2) Wetlands and significant natural features should be maintained in an undisturbed form, the potential for flooding shall not be increased, and stormwater entry and discharge points should be designed so as to minimize erosion.

Circulation, parking and traffic control standards:

- (1) The layout and design of all means of vehicular and pedestrian circulation, including interior drives, parking areas and walkways, shall provide for safe interior circulation and separation of pedestrian, vehicular and service traffic.
- (2) The number of site entrances should be the minimum necessary for effective traffic control, and sharing of access driveways and parking areas by adjoining properties should be considered where possible.
- (3) Provisions for pedestrian movement, in the form of sidewalks or walkways, shall allow for safe access between parking areas and retail establishments.

Landscaping standards:

- (1) Buffering in the form walls, fencing, shrubs, trees or other appropriate screening techniques may be required to shield neighboring properties, particularly residential areas, from adverse effects.
- (2) Parking lots shall conform to all applicable site and landscaping requirements contained in paragraph d. of article X, special provisions, section 1, Parking regulations.
- (3) Visual screening of refuse areas, service and storage yards and exterior work areas shall be accomplished by use of walls, appropriate fencing, plantings visually compatible outbuildings, or a combination of these.
- (4) Mechanical equipment and utility hardware on the roof or ground adjacent to the building shall be screened from public view with materials harmonious to the building, or with landscaping.
- (5) The design and size of exterior lighting, when used, should be compatible and enhance the building, landscaping and the adjacent areas, and shall not adversely affect neighboring residential properties.

a. For site plan review done under the provisions of this article, and occurring within the Village Commercial District the planning board shall apply the improvement standards contained in article X

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of the land development and subdivision regulations, and specifically those contained in section 23-61, control of stormwater runoff, and section 23-66, soil erosion and sediment control, where applicable.

In addition, the board shall apply the following standards:

General site standards:

- (1) Buildings and site improvements should be done so as to minimize changes to existing topography, the loss of existing mature vegetation and minimize loss to important viewsheds.
- (2) Wetlands and significant natural features should be maintained in an undisturbed form, the potential for flooding shall not be increased, and stormwater entry and discharge points should be designed so as to minimize erosion. Best practices for Low Impact Development (LID) techniques should be employed.

Circulation, parking and traffic control standards:

- (1) The layout and design of all means of vehicular and pedestrian circulation, including interior drives, parking areas and walkways, shall provide for safe interior circulation and separation of pedestrian, vehicular and service traffic. Wherever possible, impervious parking surfaces shall be used. Pedestrian paths should utilize traditional materials that are compatible with the site and existing historic structures.
- (2) The number of site entrances should be the minimum necessary for effective traffic control, and sharing of access driveways and parking areas by adjoining properties shall be utilized unless it can be demonstrated that it is impractical due to site conditions such as extreme grade differences or the presence of wetlands.
- (3) Provisions for pedestrian movement, in the form of sidewalks or walkways, shall allow for safe access between parking areas, onsite retail establishments and adjoining commercial lots.

Landscaping standards:

- (1) Buffering in the form walls, fencing, shrubs, trees or other appropriate screening techniques may be required to shield neighboring properties, particularly residential areas, from adverse effects.
- (2) Parking lots shall conform to all applicable site and landscaping requirements contained in paragraph d. of article X, special provisions, section 1, Parking regulations.
- (3) Visual screening of refuse areas, service and storage yards and exterior work areas shall be accomplished by use of walls, appropriate fencing, plantings, visually compatible outbuildings or a combination of these.
- (4) Mechanical equipment and utility hardware on the roof or ground adjacent to the building shall be screened from public view with materials harmonious to the building, or with landscaping.
- (5) The design, placement, orientation, and color temperature of exterior lighting, when used, should be compatible and enhance the buildings landscape and the adjacent areas, and shall not adversely affect neighboring residential properties.

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b.c. For design review submitted under the provisions of this article and occurring within the Industrial, Waterfront, General Commercial or Highway Commercial Districts, the planning board shall apply the following building design guidelines:

- (1) A new building in a currently built environment should be placed as close as feasible to the street on which it fronts, with the amount of parking between the building and street minimized. Building placement shall be planned so that a consistent setback is achieved notwithstanding pre-existing setbacks.
- (2) Large scale developments should take the form of village-like groupings of small scale buildings rather than large individual or box-like structures associated with chain retail stores or food establishments.
- (3) Traditional roof forms such as gable, hipped or gambrel, as opposed to mansard style, are preferred.
- (4) Facades should blend with other buildings in the surrounding area, with compatible facade proportions, fenestration and general architectural style, or otherwise be compatible with the historic character of the town. Building sides without windows are discouraged and if done, corrected with architectural details.
- (5) Architectural elements which create variety, interest and texture are encouraged. Elements which are out of proportion to the overall building, such as exaggerated dormers, should be avoided.
- (6) Buildings should have the same materials, or those that are architecturally harmonious, used for all walls and other exterior building components. Traditional building materials such as shingles, clapboard, brick and stone should be used.
- (7) Additions or alterations to existing buildings should be complementary in scale to the original structure, and architectural details, including materials, colors and textures shall be treated so as to be compatible with the original architectural style of the building, provided that such details preserve and enhance the character of the surrounding area.

e.d. For design review submitted under the provisions of this article and occurring within the Village Commercial District, the planning board shall apply the following building design guidelines:

- (1) The original characteristics and materials of an historic building should be retained.
- (2) Facade proportions, including window and door placement, and the original roof shape, pitch and detail, should be maintained.
- (3) Exterior details such as siding, corner boards, cornice, brackets, lintels and window and door styles should be retained, repaired or replaced in kind.
- (4) Additions or alterations to existing buildings should be complementary in scale to the original structure, and architectural details including materials, colors and textures shall be treated so as to be compatible with the original architectural style of the building.
- (5) The style, scale, height, facade and materials of new buildings should be compatible with those of the existing buildings within the Tiverton Four Corners area.
- (6) The setback pattern, building orientation and spacing patterns of new buildings should match those of the existing buildings within the Tiverton Four Corners area.

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- (7) Signs within the Village Commercial District shall be compatible with the surrounding landscape, and built environment. Refer to Article XII Sign Regulations for further guidance. ~~Any business sign should be limited to 25 square feet in area, and a freestanding sign of any type shall be limited to five feet in height. There shall be no internally illuminated signs.~~

(Ord. of 6-4-01(11); Ord. of 3-22-04)

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ARTICLE XXIII. FOUR CORNERS ARTS & AGRICULTURE OVERLAY DISTRICT

Section 1. Purpose.

The purpose of the Four Corners Arts & Agriculture Overlay District is:

- a. To expand and encourage arts related and agricultural related commercial and educational opportunities.
- b. To protect, preserve and maintain the visual quality of the rural landscape and the historic built environment and to ensure further development is compatible with the character and scale of the Tiverton Four Corners Historic District, as designated by the Rhode Island Historic Preservation and Heritage Commission.
- c. To limit and control commercial development on certain lots that are well in excess of 300 feet in depth from Main Road.
- d. To limit the scale and intensity of commercial development at the southern edge of the Village Commercial Zoning District to provide a transition to the R-80 zone and the more residential uses.
- e. To provide for economically viable and compatible uses for existing historic structures that are an integral part of the historic, cultural, and rural landscape and contribute to the area's intrinsic and unique sense of place.

Section 2. Designation of the Four Corners Arts & Agriculture Overlay District.

- a. The Four Corners Arts & Agriculture Overlay District shall be considered to be superimposed over particular sections of the Village Commercial District
- b. Wherever practical, the overlay zoning boundaries shall follow parcel boundaries.
- c. Where the bounds of the overlay district are in doubt or in dispute, the burden of proof shall be upon the owners of the land in question to show where they should properly be located.
- d. The boundaries of the Four Corners Arts & Agriculture Overlay District shall be indicated on the Tiverton Zoning Map.

Section 3. Use regulations.

Land in the Four Corners Arts & Agriculture Overlay District shall be subject to the following regulations:

a. General use restriction

No commercial or other use not permitted by right in the adjoining R-80 district may take place on any parcel beyond a distance of 300 feet measured from the centerline of Main Road and running parallel with the front property line.

b. Permitted uses. (P)

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- (1) Uses allowed by right or special use permit, including lawful pre-existing nonconforming uses, in the underlying district, except as otherwise prohibited or as noted in Section 3(d) below.
 - (2) Recreation, conservation, agricultural and open space uses.
 - (3) Water supply facilities and structures.
 - (4) Stormwater retention areas and systems.
 - (5) Streets and rights-of-way.
 - (6) Uses incidental to residential uses.
- c. Uses requiring a special use permit (s)
- (1) Satellite receiving antenna, more than one meter and up to two meters in diameter.
 - (2) Satellite receiving antenna, more than two meters in diameter, or more than one antenna of any size.
 - (3) Commercial raising of animals or fowl. This includes kennels for the raising, boarding or sale of dogs, cats or other fur-bearing animals, but not the raising of swine
- d. Uses Not Permitted (N).
- (1) Inn
 - (2) Convalescent, rest or nursing home consisting of fewer than 12 rooms.
 - (3) Retirement residence/assisted living facility/and continuing care facility consisting of fewer than 12 rooms.(4)
 - (4) Membership athletic club
 - (5) Medical clinic.
 - (6) Municipal or government building
 - (7) Fire or police station
 - (8) Cemetery, whether public or private
 - (9) Bank, credit union or office building
 - (10) Tavern or pub
 - (11) Nightclub
 - (12) Laundromat or dry cleaning drop-off facility
 - (13) Funeral home
 - (14) Retail business, office and/or consumer service complex

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(15) Package liquor store

e. Prohibited uses.

- (1) Storage of petroleum or other refined petroleum products, except within buildings which it will heat or for normal household or agricultural use. This includes the parking for a period exceeding two hours in any 24-hour period of vehicles used for the storage and/or delivery of fuel.
- (2) The storage or disposal of hazardous wastes, as defined by G.L. 1956, § 24-19.1-1 et seq.

Section 4. Dimensional Regulations.

The **Four Corners Arts & Agriculture** Overlay District shall be considered to be superimposed over particular sections of the Village Commercial District. Land in this overlay district shall be subject to the following regulations:

a. General

All dimensional regulations for the Village Commercial shall apply **to the area within 300 foot zone as described in Section 3(a) of this article** unless otherwise noted in this article or as indicated below. **All dimensional regulations, including lot size, shall apply to the area beyond the 300 foot zone as described in Section 3(a) of this article.**

b. Height Limitation

No new buildings for commercial or other use not permitted by right in the adjoining R-80 zoning district shall be constructed above a height of 25 feet.

c. Bulk Limitations (Individual Structures)

No new buildings for commercial or other use not permitted by right in the adjoining R-80 zoning district, constructed within the 300 foot zone as described in Section 3(a) of this article shall have a building footprint greater than 1500 square feet.

c. Bulk Limitations (Aggregate)

No new buildings for commercial or other use not permitted by right in the adjoining R-80 zoning district, constructed within the 300 foot zone as described in Section 3(a) of this article shall have an aggregate building footprint greater than 7000 square feet. Existing commercial buildings shall be included within this limit.